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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 3916 of 2007

PETITIONER		Lok Nath Patel, S/o. Shri Hiradhar Patel, Aged about 48 years, Assistant Teacher, Janpad Boy's Primary School, Chandrapur, Block Dabhara, Dist. Janjgir-Champa (CG).
	Versus	
RESPONDENTS	1)	State of Chhattisgarh, through the Secretary, School Education Department, D.K.S. Bhawan, Raipur, District – Raipur, CG.
	2)	The Director, Public Instruction, D.K.S. Bhawan, Raipur, (CG).
	3)	The District Education Officer, Raigarh, District Raigarh, (CG).
	4)	Block Education Officer, Block Dabhra, District Janjgir-Champa, (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri Sanjay Patel, counsel for the petitioner.
Smt. Anju Ahuja, Dy. Govt. Advocate for the State.

ORDER
(Passed on 11th July, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Assistant Teacher on probation for a period of three years. Thereafter, in view of the judgment and order dated .7-11-2006 passed Writ Petition (S) No. 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), the petitioner is entitled to payment of regular salary from the initial date of appointment.

2. On perusal of the appointment order (Annexure P/1), the petitioner was never appointed on probation. He was appointed for a period of two years on payment of fixed pay i.e., Rs.150/-, thereafter Rs.250/- and lastly he was

granted a pay scale of Rs. 169-300/-. Vide order dated 1-7-1981 pay scale of the petitioner was revised to Rs.545/- - Rs. 925/-.

3. The case of Sushil Tiwari (supra) is on different facts as it is well established position of law that if a person is appointed on probation and if he completes probation successfully he should normally be granted regular pay scale with effect from the date of initial appointment. It is not the case in the present petition. The petitioner was never appointed on probation, but the petitioner was granted different pay scales at different times.

4. Learned counsel appearing for the petitioner has not raised any other point for grant of revised pay scale with effect from initial appointment which was on a fixed pay scale of Rs.150/-.

5. As a result and for the foregoing reasons, there is no merit in the case. Accordingly, the petition is dismissed summarily.

Sd/-
Satish K.Agnihotri
Judge

raju